

JA/2013V00213

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<b>UNITED STATES OF AMERICA,</b>	:	<b>Honorable</b>
<b>Plaintiff,</b>	:	<b>Civil Action No. 14-</b>
<b>- v.-</b>	:	<b>VERIFIED COMPLAINT FOR FORFEITURE IN REM</b>
<b>\$150,000.00 IN UNITED STATES CURRENCY REPRESENTED BY</b>	:	
<b>TD BANK OFFICIAL CHECK</b>	:	
<b>NUMBER 51470177-5, IN THE</b>	:	
<b>AMOUNT OF \$50,000, IN THE</b>	:	
<b>NAME OF AND/OR BENEFIT OF</b>	:	
<b>DEAN YI;</b>	:	
<b>TD BANK OFFICIAL CHECK</b>	:	
<b>NUMBER 51507003-3, IN THE</b>	:	
<b>AMOUNT OF \$50,000 IN THE</b>	:	
<b>NAME OF AND/OR BENEFIT OF</b>	:	
<b>DEAN YI; and</b>	:	
<b>TD BANK OFFICIAL CHECK</b>	:	
<b>NUMBER 51507203-5, IN THE</b>	:	
<b>AMOUNT OF \$50,000, IN THE</b>	:	
<b>NAME OF AND/OR BENEFIT OF</b>	:	
<b>DEAN YI</b>	:	
<b>Defendant <i>in rem.</i></b>	:	

Plaintiff, United States of America, by its attorney, Paul J. Fishman, United States Attorney for the District of New Jersey (by Peter W. Gaeta, Assistant United States Attorney) brings this Verified Complaint for Forfeiture *In Rem* and alleges as follows in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure.

**NATURE OF THE ACTION**

1. This is a civil action *in rem* to forfeit and condemn to the use and benefit of the United States the above-captioned defendant property (the "defendant property"), pursuant to 31 U.S.C. § 5317, as property involved in a violation or violations of 31 U.S.C. § 5324, or a conspiracy to commit any such violations, and/or as property traceable to any such violation or conspiracy.

**THE DEFENDANT IN REM**

2. The defendant property consists of the following property: \$150,000.00 in United States currency represented by TD Bank official check number 51470177-5, in the amount of \$50,000, in the name of and/or benefit of Dean Yi; TD Bank official check number 51507003-3, in the amount of \$50,000, in the name of and/or benefit of Dean Yi; and TD Bank official check number 51507203-5, in the amount of \$50,000, in the name of and/or benefit of Dean Yi. The defendant property is currently in the custody of the

Department of Treasury, Internal Revenue Service, Criminal Investigation  
(hereinafter “IRS-CI”), Springfield, New Jersey.

**JURISDICTION AND VENUE**

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b)(1). Upon the filing of this Verified Complaint, plaintiff requests that the Clerk of the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b)(i), which plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1395.

**BASIS FOR FORFEITURE**

6. The defendant property is subject to forfeiture pursuant to the provisions of 31 U.S.C. § 5317(c)(2), which subjects to forfeiture to the United States any property involved in, or traceable to, a violation of 31 U.S.C. § 5324.

**STATUTORY BACKGROUND**

7. Pursuant to 31 U.S.C. § 5313(a) and its related regulations, when a domestic financial institution, including banks and money service businesses, is involved in a transaction for the payment, receipt, or transfer of U.S.

currency in an amount greater than \$10,000.00, the institution is required to file a currency transaction report (“CTR”) for each cash transaction, such as, by way of example, a deposit, withdrawal, exchange of currency, or other payment or transfer by, through, or to a financial institution.

8. CTR forms, which are filed with the Internal Revenue Service, require disclosure of, among other information, the identity of the individual who conducted the transaction and the individual or organization for whom the transaction was completed.

9. Many individuals involved in illegal activities, such as narcotics trafficking, tax evasion, and money laundering, are aware of the reporting requirements and take active steps to cause financial institutions to fail to file CTRs in order to avoid detection of the movement of large amounts of cash. These active steps are often referred to as “structuring” and involve making multiple cash deposits or withdrawals in amounts of \$10,000.00 or less on the same day or consecutive days in order to avoid the filing of CTRs. Structuring transactions to avoid the filing of a CTR is prohibited by 31 U.S.C. § 5324(a)(3).

10. Pursuant to 31 U.S.C. § 5324, it is a crime for an individual to (a) “cause or attempt to cause a domestic financial institution to fail to file a report required under § 5313(a),” (b) “cause or attempt to cause a domestic financial institution to file a report required under § 5313(a) that contains a material omission or misstatement of fact,” or (c) “structure or assist in structuring, any

transaction with one or more domestic financial institutions" for the purpose of evading the reporting requirements of 31 U.S.C. § 5313(a).

11. Furthermore, 31 U.S.C. § 5317 provides for the forfeiture of any property involved in a violation of 31 U.S.C. § 5324, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy.

12. In any forfeiture action in which the subject property is United States currency deposited into a bank account, the government is not required to identify the particular funds involved in the offense, as any funds found in the same account within one year of the date of the offense are subject to forfeiture pursuant to 18 U.S.C. § 984.

#### **FACTS**

13. Investigation by Special Agents of the Internal Revenue Service-Criminal Investigation (hereinafter "IRS-CI") has revealed that TD Bank personal checking account number 7869516521 ("6521") is held in the name of Dong Yi (also known as Dean Yi). TD Bank personal money market account number 7865483692 ("3692") is held in the name of Jungsun Yi with Dong Yi being a Power of Attorney on the account. TD Bank personal checking account 7869516430 ("6430") is held in the name of Jungsun Yi with Dong Yi being a Power of Attorney on the account. TD Bank personal checking account

7929986227 ("6227") is held in the name of Il-Je Yi with Dong Yi being a Power of Attorney on the account.

14. Investigation by IRS-CI Special Agents has determined that Dong Yi resides at 16 Candlewick Lane, Cherry Hill, New Jersey and is, or was, the owner of All In One Cleaners.

15. Based on a review of bank records during the period from August 2, 2012 through October 19, 2012, Special Agents of the IRS-CI determined that there were approximately 30 structured currency deposits made into the above named accounts, totaling approximately \$206,200. These deposits were made at 4 different bank branches and into 4 separate bank accounts.

Attached as "Exhibit A" to this Verified Complaint for Forfeiture *In Rem*, and incorporated herein all of the deposits were in amounts of less than \$10,000.01, the amount that would have triggered the filing of a CTR, and many of the deposits were made on the same day or on consecutive business days. While none of the deposits during this period of time were in an amount in excess of \$10,000, there were a number of instances where deposits were made on the same business day and their total exceeded \$10,000.

16. Investigation revealed that some of the deposits were not only made on the same day, but were made just minutes apart from each other. For instance, on August 2, 2012, at 11:54 a.m., a deposit of \$8,000 was made into a TD Bank branch located in Bellmawr, New Jersey. On the same date, at 2:20

p.m., there was a deposit of \$8,500 into a TD Bank branch located in Marlton, New Jersey. On the same date, at 2:46 p.m., there was a deposit of \$9,000 into a TD Bank branch located in Marlton, New Jersey. On August 3, 2012, at 10:24 a.m., a deposit of \$8,800 was made at a TD Bank branch located in Cherry Hill, New Jersey. In total, \$34,300 was deposited into the Target Accounts in less than twenty four hours.

**The Target Accounts**

17. As indicated in Attachment B to this Verified Complaint for Forfeiture *In Rem* and incorporated herein, on August 2, 2012, 1 deposit, totaling \$8,500 in U.S. currency, was made into TD Bank account 3692. On August 7, 2012, these funds were transferred to TD Bank account 7869516521 (“6521”).

18. Additionally on August 2, 2012, 1 deposit, totaling \$8,000 in U.S. currency, was made into TD Bank account 6227. On August 3, 2012, these funds were transferred to TD Bank account 7869516521 (“6521”). (Exhibit B).

19. On August 3, 2012, 1 deposit, totaling \$8,800 in U.S. currency, was made into TD Bank account 6430. On August 6, 2012, these funds were transferred to TD Bank account 7869516521 (“6521”) (Exhibit B).

20. Investigation revealed that from August 2, 2012 through September 4, 2012, 9 deposits, totaling \$73,900 in US currency, were made into TD Bank account 6521. Subsequently, \$150,000 (\$50,000 and \$50,000

and \$50,000) was debited from account 6521 and used to purchase three cashier's checks. These cashier's checks were used to purchase a residence in Cherry Hill, New Jersey. (Exhibit B)

21. From September 6, 2012 through September 10, 2012, 2 deposits, totaling \$16,300 in US currency, were made into TD Bank account 6521. Subsequently, \$50,000 was debited from account 6521 and used to purchase official check 51470177-5. (Exhibit B).

22. From September 12, 2012 through September 24, 2012, 7 deposits, totaling \$49,400 in US currency, were made into TD Bank account 6521. Subsequently, \$50,000 was debited from account 6521 and used to purchase official check 51507003-3. (Exhibit B).

23. On September 26, 2012 through October 19, 2012, 9 deposits, totaling \$41,300 in US currency, were made into TD Bank account 6521. Subsequently, \$50,000 was debited from account 6521 and used to purchase official check 51507203-5. (Exhibit B).

24. On September 10, 2012, TD Bank issued official check number 51470177-5 totaling \$50,000.00 made payable to Dean Yi. The issuance of this check was drawn off funds from TD Bank account ending in 6521.

25. On September 24, 2012, TD Bank issued official check number 51507003-3 totaling \$50,000.00 and made payable to Dean Yi. The issuance of this check was drawn off funds from TD Bank account ending in 6521.

26. On October 19, 2012, TD Bank issued official check number 51507203-5 totaling \$50,000.00 and made payable to Dean Yi. As discussed above, the issuance of this check was drawn off funds from TD Bank account ending in 6521.

27. Investigation revealed that official check numbers 51470177-5, 51507003-3 and 51507203-5 totaling \$150,000 had yet to be negotiated.

28. As reflected in "Exhibit A" attached to this Verified Complaint, and incorporated herein, none of the individual deposits into the TD accounts was in an amount greater than \$10,000.00, the amount that would have triggered the filing of a CTR. However, while none of the individual deposits exceeded \$10,000.00, there were numerous instances where deposits made on the same day, or days close in time, aggregated to amounts in excess of \$10,000.00.

29. On November 7, 2013, a seizure warrant was issued by the Honorable Cathy L. Waldor, United States Magistrate Judge for the District of New Jersey, for the cash value of TD Bank official check number 51470177-5, in the amount of \$50,000, which funds are currently on deposit with TD Bank; the cash value of TD Bank official check number 51507003-3, in the amount of \$50,000, which funds are currently on deposit with TD Bank; and the cash value of TD Bank official check number 51507203-5, in the amount of \$50,000, which funds are currently on deposit with TD Bank.

30. On or about November 7, 2013, IRS-CI executed the above-referenced seizure warrant resulting in the seizure of the defendant property.

31. On or about November 7, 2013, IRS-CI Special Agents interviewed Yi regarding the \$150,000.00 in United States currency comprised of TD Bank official check number 51470177-5, in the amount of \$50,000, in the name of and/or benefit of Dean Yi; TD Bank official check number 51507003-3, in the amount of \$50,000, in the name of and/or benefit of Dean Yi; and TD Bank official check number 51507203-5, in the amount of \$50,000, in the name of and/or benefit of Dean Yi.

32. During the course of the interview Yi stated that approximately one year ago he had sold a dry cleaning business and received approximately \$100,000 in cash. Yi further stated that he had purchased a townhouse within the same time period and had purchased the three official checks totaling \$150,000 to purchase a second piece of property however had been unable to find one.

33. Yi advised the agents that he was aware of the rules for depositing over \$10,000 in currency and was previously contacted by TD Bank about the deposits. Yi further admitted that he was purposely breaking up the deposits so the bank did not have to file paperwork and stated to the agents in substance and in part that he knew that depositing currency in this manner was "bad."

**CLAIM FOR FORFEITURE**

34 The allegations contained in paragraphs 1 through 33 of this Verified Complaint are incorporated herein and made part hereof.

35. The defendant property, and all proceeds traceable thereto, were involved in or are traceable to transactions or attempted transactions that were structured with the intent to avoid transaction reporting requirements under federal law, in violation of 31 U.S.C. § 5324.

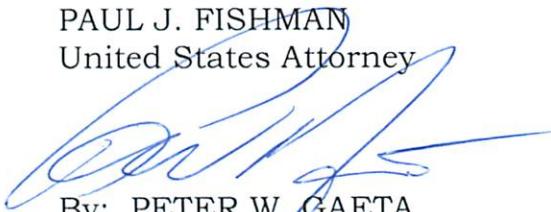
36. As a result of the foregoing, the defendant property and all proceeds traceable thereto, are subject to condemnation and to forfeiture to the United States for its use, in accordance with 31 U.S.C. § 5317(c).

**WHEREFORE**, plaintiff requests that the Clerk of the Court issue a warrant for the arrest in rem and seizure of the defendant property; that notice of this action be given to all persons who reasonably appear to be potential claimants in the defendant property; that the defendant property be forfeited and condemned to the United States of America; that plaintiff be awarded its

costs and disbursements in this action; and that the Court award such other and further relief as it deems proper and just.

PAUL J. FISHMAN

United States Attorney



By: PETER W. GAETA

Assistant United States Attorney

Dated: January 14, 2014  
Newark, New Jersey

**VERIFICATION**

STATE OF NEW JERSEY :  
ss  
COUNTY OF ESSEX :

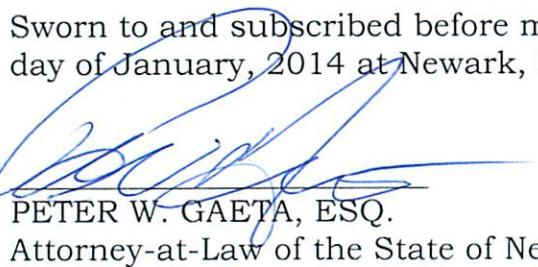
I, Andrew D. Mayo, hereby verify and declare under penalty of perjury that I am a Task Force Officer with the Internal Revenue Service-Criminal Investigation, that I have read the foregoing Verified Complaint for Forfeiture *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my information and the grounds of my belief include the official files and records of the United States, information supplied to me by other law enforcement officers, and my own investigation of this case.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

  
ANDREW D. MAYO  
Task Force Officer  
Internal Revenue Service  
Criminal Investigation

Sworn to and subscribed before me this 16<sup>th</sup>  
day of January, 2014 at Newark, New Jersey.

  
PETER W. GAETA, ESQ.  
Attorney-at-Law of the State of New Jersey

## **Exhibit A**

<b>Schedule A - Cash Deposits</b>					
	Dong Yi Open 01/07/2009	Jungsun & Dong Yi Open 12/03/2007	Jungsun & Dong Yi Open 01/07/2009	Ik-Je & Dong Yi Open 02/22/2009	
	<b>TD Bank</b>	<b>TD Bank</b>	<b>TD Bank</b>	<b>TD Bank</b>	<b>Total Cash Deposits</b>
	<b>7869516521</b>	<b>7865483692</b>	<b>7869516430</b>	<b>7929986227</b>	
	<b>Personal Checking</b>	<b>Personal MM</b>	<b>Personal Checking</b>	<b>Personal Checking</b>	
	Cash Deposits	Cash Deposits	Cash Deposits	Cash Deposits	
Thursday, August 02, 2012	9,000.00	8,500.00		8,000.00	25,500.00
Friday, August 03, 2012 10:24			8,800.00		8,800.00
Thursday, August 09, 2012 14:29	8,700.00				8,700.00
Tuesday, August 14, 2012 14:15	8,300.00				8,300.00
Friday, August 17, 2012 10:17	6,400.00				6,400.00
Tuesday, August 21, 2012 10:28	8,000.00				8,000.00
Friday, August 24, 2012 9:48	8,400.00				8,400.00
Monday, August 27, 2012 9:48	8,600.00				8,600.00
Thursday, August 30, 2012 9:40	8,200.00				8,200.00
Tuesday, September 04, 2012 10:11	8,300.00				8,300.00
Thursday, September 06, 2012 10:19	7,500.00				7,500.00
Monday, September 10, 2012 10:04	8,800.00				8,800.00
Wednesday, September 12, 2012 10:32	4,500.00				8,900.00
14:41	4,400.00				
Friday, September 14, 2012 10:14	7,600.00				7,600.00
Monday, September 17, 2012 10:26	7,200.00				7,200.00
Wednesday, September 19, 2012 10:19	8,800.00				8,800.00
Friday, September 21, 2012 14:35	8,200.00				8,200.00
Monday, September 24, 2012 14:59	8,700.00				8,700.00
Wednesday, September 26, 2012 10:21	4,800.00				4,800.00
Friday, September 28, 2012 10:22	4,600.00				4,600.00
Monday, October 01, 2012 10:42	4,300.00				4,300.00
Thursday, October 04, 2012 14:52	4,500.00				4,500.00
Tuesday, October 09, 2012 10:21	4,600.00				4,600.00
Friday, October 12, 2012 14:44	4,400.00				4,400.00
Monday, October 15, 2012 10:33	4,700.00				4,700.00
Wednesday, October 17, 2012 10:26	4,500.00				4,500.00
Friday, October 19, 2012 10:26	4,900.00				4,900.00
<b>Balance</b>	<b>\$ 180,900.00</b>	<b>\$ 8,500.00</b>	<b>\$ 8,800.00</b>	<b>\$ 8,000.00</b>	<b>\$ 206,200.00</b>
	27	1	1	1	

## **Exhibit B**

	Dong Yi Open 01/07/2009	Jungsun & Dong Yi Open 12/03/2007	Jungsun & Dong Yi Open 01/07/2009	Ik-Je & Dong Yi Open 02/22/2009	Total Cash Deposits	Fungability
	TD Bank 7869516521 Personal Checking Cash Deposits	TD Bank 7865483692 Personal MM Cash Deposits	TD Bank 7869516430 Personal Checking Cash Deposits	TD Bank 7929986227 Personal Checking Cash Deposits		
Tuesday, May 15, 2012	(98,000.00)				(98,000.00)	
Monday, July 30, 2012	98,000.00				98,000.00	
Thursday, August 02, 2012	9,000.00	8,500.00		8,000.00	25,500.00	House
Friday, August 03, 2012	8,000.00		8,800.00	(8,000.00)	8,800.00	
Monday, August 06, 2012	8,800.00		(8,800.00)		-	
Tuesday, August 07, 2012	8,500.00	(8,500.00)			-	
Thursday, August 09, 2012	8,700.00				8,700.00	
Tuesday, August 14, 2012	8,300.00				8,300.00	99,200.00
Friday, August 17, 2012	6,400.00				6,400.00	
Tuesday, August 21, 2012	8,000.00				8,000.00	
Friday, August 24, 2012	8,400.00				8,400.00	
Monday, August 27, 2012	8,600.00				8,600.00	
Thursday, August 30, 2012	8,200.00				8,200.00	
Tuesday, September 04, 2012	8,300.00				(141,700.00)	1st Cashier's Check
	(150,000.00)				7,500.00	
Thursday, September 06, 2012	7,500.00				16,300.00	
Monday, September 10, 2012	8,800.00				(41,200.00)	2nd Cashier's Check
Wednesday, September 12, 2012	4,500.00				8,900.00	
	4,400.00				7,600.00	
Friday, September 14, 2012	7,600.00				7,200.00	49,400.00
Monday, September 17, 2012	7,200.00				8,800.00	
Wednesday, September 19, 2012	8,800.00				8,200.00	
Friday, September 21, 2012	8,200.00				(41,300.00)	3rd Cashier's Check
Monday, September 24, 2012	8,700.00				4,800.00	
	(50,000.00)				4,600.00	
Wednesday, September 26, 2012	4,800.00				4,300.00	
Friday, September 28, 2012	4,600.00				4,500.00	
Monday, October 01, 2012	4,300.00				4,600.00	41,300.00
Thursday, October 04, 2012	4,500.00				4,400.00	
Tuesday, October 09, 2012	4,600.00				4,700.00	
Friday, October 12, 2012	4,400.00				4,500.00	
Monday, October 15, 2012	4,700.00				4,900.00	
Wednesday, October 17, 2012	4,500.00				(50,000.00)	
Friday, October 19, 2012	4,900.00				(1,051.81)	Total
Friday, October 19, 2012	(50,000.00)					206,200.00
Tuesday, February 19, 2013	(1,051.81)					
<b>Cash Deposits</b>	<b>180,900.00</b>	<b>8,500.00</b>	<b>8,800.00</b>	<b>8,000.00</b>	<b>206,200.00</b>	
<b>Other Deposits</b>	<b>98,000.00</b>				<b>98,000.00</b>	
<b>Withdrawals/Transfers</b>	<b>(373,751.81)</b>	<b>(8,500.00)</b>	<b>(8,800.00)</b>	<b>(8,000.00)</b>	<b>(399,051.81)</b>	
<b>Balance</b>	<b>\$ (94,851.81)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (94,851.81)</b>	
	35	2	2	2		

Dong Yi Open 01/07/2009		Jungsun & Dong Yi Open 12/03/2007		Jungsun & Dong Yi Open 01/07/2009		Ik-je & Dong Yi Open 02/22/2009	
TD Bank		TD Bank		TD Bank		TD Bank	
<b>7869516521</b>		<b>7865483692</b>		<b>7869516430</b>		<b>7929986227</b>	
Personal Checking		Personal MM		Personal Checking		Personal Checking	
Cash Deposits		Cash Deposits		Cash Deposits		Cash Deposits	
				Total Cash Deposits		Fungability	